APPENDIX A:

Comments on the Final EIS and Responses

And Comment Indexes 1 and 2

Organization of Responses to Public Comments on the FEIS

Appendix A contains the comments received regarding the FEIS, and responses to those comments. Following the Comments and Responses section are Indexes 1 and 2, which list all of the agencies, organizations, and individuals who made comments, and indicate where responses to their comments can be found. There are two indexes: comments on the FEIS received prior to publication of the FEIS (Index 1) and comments received after publication (Index 2).

The commenters in each index are sorted by Comment Classification, then Agency or Organization, then Last Name. If the comment was partially or fully addressed in Appendix B of the FEIS, the next-to-last column indicates where in Appendix B of the FEIS it can be found. If the comment is addressed by a new response contained in this Appendix (R1, R2, R3, etc.), the response number is shown in the last column.

Comments and Responses

1. The Federal Highway Administration is ignoring the public's desire for less construction.

The Federal Highway Administration's (FHWA's) actions during the three years following the publication of the Draft Environmental Impact Statement (DEIS) demonstrate that it has listened and responded to public sentiment. For example:

- After the DEIS was published and the FHWA received comments, a new alternative, Alternative 6, was developed for the purpose of addressing public concerns.

- Because the public expressed the concern that the alternatives presented in the DEIS would cause motorists to view Guanella Pass as a connector between I-70 and State Highway 285, Alternative 6 revised the functional classification of the road from that of a collector that connects two major roadway arteries to a rural local road whose primary function was to serve adjacent lands.

- By revising the functional classification of the road, the FHWA was able to use design standards, such as a narrower roadway width and reduced amount of reconstruction, that reduce environmental impacts.

- Because the public expressed a desire for only rehabilitating the road, Alternative 6 was developed to maximize rehabilitation of the road to the greatest extent possible without compromising minimum safety standards.

- The DEIS included a number of bypass options to direct traffic headed for Guanella Pass away from the historic district of Georgetown to reduce congestion. Based on public comment expressing concerns about loss of business, these bypass options were eliminated from further consideration.

- Because citizens of Georgetown expressed concern about construction truck traffic impacts, the FHWA has worked with the Town of Georgetown to identify an acceptable haul route, which includes the construction of a new bridge on 7th Street.

- Because the citizens of Georgetown expressed concerns regarding construction truck traffic impacts to historic buildings, the FHWA conducted a study to determine whether the vibrations resulting from the trucks would impact the historic buildings. The study showed that the truck traffic would not adversely impact the historic buildings.

- Based on the public's request for maintaining the rustic appearance of the road, the FHWA conducted an alternative surface type study which included surfacing 100 meter portions of Guanella Pass with various surface types and then soliciting public comment to help determine which was the most rustic in appearance and ride.

- Based on concerns about the number of construction related truck trips through Georgetown and Grant, the FHWA identified material sources along Guanella Pass to be used to provide the aggregate needed for the project. As a result, the number of trucks hauling through Georgetown and Grant has been greatly reduced.

- The FHWA has proposed an equestrian trail in Park County to permit safe passage of horseback riders.

- The FHWA has been working with local landowners to develop a construction operations schedule that minimizes impacts to local business operations.

- By regulation, a Record of Decision (ROD) cannot be published any earlier than 30 days after the publication of the Final Environmental Impact Statement (FEIS). However, due to public request, the FHWA has extended this an additional 30 days. Comment periods for the DEIS and Supplemental DEIS (SDEIS) were also extended at public request to allow additional time for comments.

The National Environmental Policy Act (NEPA) process does not require the lead agency to select the environmentally preferred alternative or the alternative that is most popular among the public comments. NEPA requires that environmental information be made available to public officials and citizens before decisions are made and before actions are taken in order to make better decisions.

2. Alternative 6 is not what the Sierra Club or the public wants. Alternative 6 is overbuilt, and includes unnecessary reconstruction. Alternative 6 is not a minimal improvement or rehabilitation alternative.

The FHWA acknowledges that Alternative 6 is not a "rehabilitation only" alternative. The FHWA has concluded that limiting construction to rehabilitation would not meet the project objectives nor fulfill its responsibilities as described in 23 Code of Federal Regulations (CFR) Part 625.2, which states that the FHWA will provide a " . . . provide for a facility that will (1) Adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability and economy of maintenance; and (2) Be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (a)(1) of this section [above] and to conform with the particular needs of each locality." Alternative 6, which consists of 63 percent rehabilitation, 18 percent light reconstruction, and 19 percent full reconstruction, is the minimal improvement alternative that fulfills these responsibilities.

3. The Counties, State, Federal Government, and citizens should work together to identify funding that can be used for minor upgrades, repairs, and maintenance.

The Counties have attempted to identify other sources of funding; however, the low traffic volume and poor condition of the road makes this road a low priority for other programs. The Forest Highway Program is designed to provide construction funding for roads of this type which otherwise would probably not qualify for improvement. There is no similar program for road maintenance.

4. The project should be redone with public comment solely in mind.

23 CFR 771.105(b) states: "It is the policy of the [Federal Highway] Administration that: Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of

the social, economic, and environmental impacts of the proposed transportation improvement; and of National, State, and local environmental protection goals." Considering only one set of needs would not be responsive to this policy or in conformance with the intent of the NEPA process.

5. The project defies the US Constitution.

The Federal Lands Highway Program was established by Congress to provide funding for this kind of project. The Constitutional basis for this is found primarily in Article 1, Section 8, Clauses 1, 3, and 7 of the Constitution. These clauses state that "Congress shall have power to lay and collect taxes . . . to pay the debts and provide for the common defense and general welfare of the United States [Clause 1] . . . to regulate commerce [Clause 3] . . . [and] to establish Post Offices and post Roads [Clause 7]." Guanella Pass road qualifies for Federal funding due to its proximity to the Pike-San Isabel National Forest and the Arapaho-Roosevelt National Forest.

6. The present condition of the road is not a significant hazard to the environment. There is no demonstrable benefit to the environment.

The existing road has known deficiencies that degrade the environment of the roadway corridor, such as erosion of unvegetated slopes and the roadway surface that contribute to sedimentation in nearby streams and wetlands. See **FEIS page III-42** and the report *Sedimentation Problems Identified on the Guanella Pass Road, Aquatic and Soil Resource Recommendations* (Arapaho-Roosevelt National Forest 2001) for photographs showing the serious impacts that the existing road is having on the environment. If a government agency were considering building a road that would cause these conditions, it would be considered a significant impact to the environment.

One of the purposes for the action is to make improvements to existing conditions that currently have a negative impact on the environment. The proposed design includes measures to reduce sediment runoff from existing bare roadway slopes and the gravel/dirt surfacing, installation of oversize culverts to facilitate fish and small wildlife passage, and formalizing parking to prevent indiscriminate parking and associated overuse of sensitive areas such as wetlands, riparian areas, and tundra.

7. Safety statistics do not show a safety problem. They compare Guanella Pass Road to dissimilar roads. The formula is open to manipulation due to differences in the length of roads used for comparison. Also, statistics are calculated using faulty AADT statistics. Safety statistics from the Colorado Department of Transportation are calculated in miles, not kilometers, giving a significantly different answer.

See **FEIS Appendix B**, Category 23G regarding annual average daily traffic (AADT) data. *Incident and Crash Data* (Washington Infrastructure 2002) states that accident rates for Guanella Pass Road are notably higher than the accident rates on two similar hard-surface recreational roads. The traffic data used in the study was taken from actual counts and available data. Length of road does not affect accident rate, and the comparisons of accident rates are expressed in the same units in the study. Although this limited study is not definitive scientific proof that Guanella Pass Road is less safe than the other two roads, it does provide more information for consideration by decision-makers. Guanella Pass Road has recognized safety deficiencies such

as abrupt curves, restricted sight distance, and inconsistent and narrow roadway width that the proposed action is designed to address.

8. The main goal of the project should be to preserve the natural environment in the area.

The purpose of the Guanella Pass Road improvement project is shaped by the need to balance transportation needs (including recreational access to Forest Service [FS] lands) and roadway maintenance needs with the sensitive nature of the environment. **ROD Table 1** presents eight project objectives that describe the purpose of the project. The objectives were developed based on the needs identified by the Program Agencies with input from the local agencies (town and counties) and the public. Three of the eight objectives are intended to preserve the natural environment in the area.

9. The main purpose of the project is to spend Federal Gasoline Tax monies.

Although funding for this project does come from Federal Gasoline Tax monies, the purpose for the project is shaped by the need to balance transportation needs (including recreational access to FS lands) and roadway maintenance needs with the sensitive nature of the environment, as identified in the DEIS, SDEIS, and FEIS. Table 1 in the ROD presents eight project objectives that describe the purpose of the project. The objectives were developed based on the needs identified by the Program Agencies with input from the local agencies (town and counties) and the public.

10. The FS's goal for the project is to control access in order to cut down enforcement workload and to generate revenue through "fee-for-use" taxes.

The FS's goal for the project is to balance transportation and roadway maintenance requirements with the sensitive nature of the environment.

11. The cost of maintenance/enforcement will be passed on to users in the form of user fees.

No decision is being made in the ROD concerning charging user fees, and there are no current proposals to charge any new fees. Existing campground and picnic areas that do have user fees will continue to have fees in the future.

12. Use a fee to keep people out.

The FS cannot charge a fee merely to discourage use. Although charging a fee may initially have the effect of reducing use by some visitors, this effect is often temporary.

13. The FS creed is to protect our lands; this is not being done.

The FS's mission is "Caring for the Land and Serving People," indicating that the FS must take into consideration human needs as well as the needs of healthy ecosystems. The FS believes that by supporting this project, it is fulfilling its mission. The FS would have failed to perform this mission if it had recommended no action as its preferred alternative. To do nothing would only

perpetuate conditions that are harmful to the lands adjacent to the road as well as maintain the unsafe traveling conditions that presently exist for those who use the road.

The FS believes that Alternative 6 will improve the existing condition of the lands adjacent to the road. Vehicle access and parking at specific sensitive locations designated by the FS will be restricted by using earthwork grading, boulder placement, guardrails, signs, and other techniques. The project formalizes established parking areas considered appropriate by the CMS and discourages use of non-formal parking. This will alleviate some of the problems of inappropriate use and overuse. Sedimentation and erosion from the road surface and existing cutslopes will be reduced by revegetating barren cuts, hardening the road surface, and improving the almost non-existent drainage system with the development of ditches and adequately spaced culverts. Other benefits include use of oversized natural bottom culverts to facilitate better fish and small animal passage, and the removal of the road from wetland areas near Duck Creek, and restoring that wetland.

14. Improving control of access to adjacent land is only a benefit to the FS; it does not benefit the public that wants access, and is contrary to the purpose and mission of the FS.

Improving control of access is consistent with the FS mission of protecting the land. Allowing unrestricted access by people and their vehicles is contrary to that mission when it results in overcrowding, resource damage, wildlife disturbance etc.

15. The FEIS section "Areas of Controversy" (FEIS pg. S-6) should include a bullet for general public opposition to the project.

The third bullet item under "Areas of Controversy" includes the controversy associated with the extent of the proposed project.

16. Alternative 1 has not been given serious consideration.

Alternative 1 was fully analyzed in the DEIS and FEIS.

17. The FHWA has exaggerated its lack of discretion in designing the road to a standard that maintains the rural, rustic and scenic character of the road. The FHWA has not used context sensitive design as outlined in *Designing Safer Roads* and *Flexibility in Highway Design*, and it has failed to use the design exception process.

The FHWA has demonstrated great flexibility in designing the road so that it maintains it rural, rustic, and scenic character. In the *Reconnaissance and Scoping Report* (FHWA 1993), which was prepared to evaluate the conditions of the existing road, roadway widths of up to 30 feet (11-foot lanes, 4-foot shoulders) were originally recommended for the project. The report also recommended classifying the road as a rural collector, with design speeds of up to 56 km/hr (35 mph), and maximum grades of 8 percent. Since these original recommendations, the FHWA has employed the concepts found in *Flexibility in Highway Design* (FHWA 1997) (referred to below as the *Guide*) to develop the selected action, Alternative 6. Based on public comment, the FHWA revisited the classification of the road and determined that the classification "rural local road" was appropriate for Guanella Pass Road. This classification allowed the FHWA to use a

narrower roadway width (9-foot lanes, 2-foot shoulders) and a slower design speed (30 km/hr [20 mph]). In response to public comment, the FHWA elected to use a Class C recreational vehicle as the design vehicle in Alternative 6 as opposed to the larger, single-unit truck that was used for Alternatives 2-5. This reduction in design vehicle size allowed the FHWA to reduce the minimum switchback radius from 15 m (50 ft) proposed for Alternatives 2-5 to 12 m (40 ft) for Alternative 6, allowing the alignment to more closely follow the existing road. With respect to surfacing, the FHWA explored the use of alternative surface types to address the public's concerns regarding maintaining the rustic appearance of the road while also reducing the high maintenance cost and effort normally found with gravel roads.

The use of minimum standards for many of the design criteria, the revision of the road's functional classification, the reduction in design vehicle, the use of alternative surface types, and maintaining the roads existing horizontal and vertical geometry and cross section for 63 percent of the road (in the rehabilitation areas) are all examples of the application of flexible and creative design criteria as recommended in the *Guide*.

Design exceptions have been used where the minimum design speed cannot be reasonably accommodated by the terrain or where accommodation of the minimum design speed would create unacceptable environmental impacts. Alternative 6 includes exceptions to design standards for curvature, grades, and stopping site distance.

The *Guide* does not recommend the use of design standards that conflict with the recommendations in the American Association of State Highway and Transportation Officials' (AASHTO's) *A Policy on Geometric Design of Highways and Streets* (AASHTO 2001), nor does the *Guide* recommend application of flexible and creative design criteria and the use of design exceptions at the expense of safety and mobility. The *Guide* states, "This Guide does not establish any new or different geometric design standards or criteria for highways and streets in scenic, historic, or otherwise environmentally or culturally sensitive areas, nor does it imply that safety and mobility are less important design considerations." The *Guide* should not be viewed as a panacea for all environmental impacts for, as the *Guide* states, "changes in the design or design criteria will not always resolve every issue to a mutual level of satisfaction."

18. The design vehicle is inappropriate because it does not conform to the current use of the road. It currently matches only 2 percent of the vehicles that use the road. The design should use a Class B vehicle (which matches 98 percent of the vehicles), not Class C.

The Class B motorhome, with a length ranging from 4.8 to 6.4 m (16 to 21 feet), is approximately the same length as the smallest AASHTO-recognized design vehicle: the passenger car that is 5.8 m (19 feet) in length. If the road was designed to accommodate the passenger vehicle only, it would not safely accommodate emergency vehicles or vehicles hauling trailers, particularly at sharp turns and switchbacks. The road is currently used by service vehicles, emergency vehicles, and vehicles with trailers. If the passenger car was used as the design vehicle, although the centerline radius of the switchback could be reduced, the tighter curves would require additional roadway width through the switchback in order to accommodate the off-tracking of vehicles in tight curves, thereby negating any reduction of impact from the smaller centerline radius. The FHWA elected to use the Class C motorhome (6.1 to 9.8 m [20 to 32 feet]) as the design vehicle because using the Class B motorhome or passenger vehicle as the

design vehicle would knowingly create unsafe traveling conditions for vehicles that currently use the road, and because use of a shorter design vehicle would not further reduce impacts.

19. Use Federal funds to maintain the road; it is cheaper in the long run.

Title 23 of the United States Code, section 204(b) [23 USC 204(b)] states: "Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary [of Transportation] and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations." Maintenance is not one of the activities for which funds are authorized.

20. Alternative 6 allows the FHWA to do any type of construction and use any kind of surfacing that they want. The decision will be made later in the design phase without public input and involvement.

The FEIS and ROD are very specific about the amounts and locations of different levels of construction and the amounts and locations of different surface types. Under Alternative 6, approximately 63 percent of the road is rehabilitated, 18 percent undergoes light reconstruction, and 19 percent undergoes full reconstruction. Macadam (selected as the alternative surface type in the ROD) is proposed for 30 percent of the project, pavement with a chip seal is proposed for another 56 percent, and gravel with magnesium chloride would be used for the remaining 14 percent of the road. Information on the exact locations of the surface types in particular sections of the road can be found in Table 2 of the ROD.

The decision on surface types was based on comments received on the 100-meter test strips constructed on Guanella Pass Road, research performed on maintenance requirements of the alternative surface types, input from the land management and road maintaining agencies, and concerns regarding the need to preserve the rustic appearance of the road.

21. Unpaved portions of the road are being prepared for future paving. The road will be paved in a few years. Gravel portions will be paved. Macadam portions will not receive adequate maintenance and will be paved after they degrade.

The FHWA, FS, and Counties do not intend to pave the unpaved portions of the road. In the Forest Highway cooperating agreements with each of the Counties and the Town of Georgetown, a provision is included requiring the road maintaining agencies to adequately maintain the road once construction is complete.

22. Make existing paved surfaces macadam.

Of the alternative surface types considered for the existing gravel/dirt sections in the FEIS, macadam is the most durable and long lasting. However, macadam has half the life expectancy of asphalt pavement (10 years vs 20 years). In order to keep future maintenance costs at a minimum, the FHWA, in consultation with the cooperating agencies, decided to use pavement with a chip seal overlay on those portions of the road that are currently paved and on the section in Park County known as Shelf Road. The chip seal overlay appears more rustic than just asphalt

pavement, and it will help to preserve the underlying pavement structure. The chip seal overlay will use the same size surface aggregate (20 mm [3/4 inch]) as the macadam surface layer.

23. Keep the existing dirt/gravel sections as dirt/gravel.

Two of the project's objectives are to: 1) provide a road that reduces maintenance costs; and 2) address the existing soil sedimentation resulting from the road. Maintaining a gravel surface on the road is time consuming and expensive. The counties are experiencing great difficulty in adequately maintaining the road, as is evident by the many sections of road that are heavily washboarded and potholed. The existing dirt/gravel surface is producing sediment that is being deposited in adjacent vegetative communities and streams.

The request expressed in many public comments to maintain the existing dirt/gravel portions of the road as dirt/gravel runs counter to these two project objectives. In an effort to strike a balance in addressing these conflicting concerns, the FHWA identified alternative surface types consisting of various types of stabilized aggregate ranging from gravel with a dust palliative to macadam. Test strips using these surface types were constructed in 100-meter sections on Guanella Pass Road to provide the public an opportunity to test the look and feel of the surface types. After receiving public input and conducting further consultation with the cooperating agencies, the FHWA decided to use macadam on those portions of the road that have steep grades or are adjacent to streams in the attempt to reduce maintenance effort and sedimentation. The remaining unpaved portions of the road, a little over three miles, will be surfaced using gravel with a dust palliative.

24. Pave the entire road or pave more of the road.

Paving the entire road was considered under Alternative 2, which is evaluated throughout the FEIS. Alternative 6, with about 56 percent pavement, 30 percent macadam, and 14 percent gravel, is a compromise that is intended to provide improvements over the existing 48 percent paved and 52 percent dirt/gravel road while at the same time maintaining much of the rustic look and feel of the existing road.

25. The FEIS fails to fully assess the specific impacts of using macadam on 30 percent of the road, characterizing it as an "alternative" surface type. However, macadam is a hard surface that is asphalt-based, and effectively is the equivalent of paving. The FEIS should acknowledge that using macadam is comparable to alternatives that pave substantial portions of the road.

Most of the effects of using macadam are the same as the effects of the other alternative surface types. Where effects differ between alternative surface types, such as in potential effects from leaching or erosion of surfacing materials, these are evaluated in the FEIS. All of the alternative surface types are expected to result in the same traffic volume and associated secondary effects..

Pavement is composed of a wide gradation of materials, including very fine particles, which results in a dense texture very different from macadam. In order to provide a rougher ride, the pavement sections will have a chip seal using the same 20 mm (3/4 inch) aggregate as the macadam surface course. The macadam surface will be even rougher, however, due to the method of construction.

Alternative 6 uses different design standards than Alternatives 2-5. It is primarily these design standards (narrower roadway width, tighter curvature, more rehabilitation) that reduce the environmental impacts of Alternative 6, not the surfacing type.

26. What specific measures does managing the corridor as a rural local road entail?

Information regarding the management responsibilities required is presented in **FEIS Section II.D.6.**

27. Clear Creek County will not be able to monitor the road's classification as a rural local road because they can't maintain the road as it currently exists. The road will become a connector road.

It is primarily the design of the roadway, not management of the roadway, that will prevent the road from becoming a connector road. The narrow roadway width, sharp switchbacks, 9 percent and higher grades, and rougher ride provided by the gravel and macadam surfaces will all serve to discourage motorists from viewing Guanella Pass Road as a shortcut between I-70 and US 285.

28. It appears inconsistent that the FEIS eliminated alternatives that closed the road or make the road a four wheel drive only road because these alternatives would restrict access, while in other parts of the FEIS the build alternatives restrict access through design elements of the road.

The statements in the FEIS are not inconsistent. Balancing the needs of people with that of the environment requires that some restrictions be placed on where and how people recreate along Guanella Pass Road. However, closing the road (entirely or to passenger vehicles) would conflict with the current management of the area and with the byway designation of the road.

29. Closing the road is inconsistent with facilitating appropriate use of the Forest and discriminates against winter users.

Decisions regarding winter closure are not part of the proposed project. The level of maintenance on the road during the winter is under the jurisdiction of the road maintaining agencies (Park County, Clear Creek County, Town of Georgetown).

30. Do not close the road at any time of year.

Decisions regarding winter closure are not part of the proposed project. The level of maintenance on the road during the winter is under the jurisdiction of the road maintaining agencies (Park County, Clear Creek County, Town of Georgetown).

31. The road should be closed from January to May 1.

Decisions regarding winter closure are not part of the proposed project. The level of maintenance on the road during the winter is under the jurisdiction of the road maintaining agencies (Park County, Clear Creek County, Town of Georgetown).

32. Closing the road will lead to higher use by snowmobiles, and therefore more wildlife impacts and liability for the FS.

Even if the road was closed, snowmobiles are not allowed on the county-controlled highway. Currently most of the area near the pass, on either side of the road, is also closed to snowmobile use.

33. The design has an overabundance of guardrail and guardwall along the road, which is not needed for a design speed of 19 to 30 mph. Reduction in the use of guardrail/wall fosters slower speeds. Minimize retaining walls and guardrails.

Guardrail is proposed for 19 percent of the road. Guardwall is proposed for 4 percent of the road. The guardrail or guardwall is required due to the construction of fill walls or due to extremely steep slopes; design speed is not a deciding factor in this decision. In order to preserve the existing character of the road, the FHWA has decided to allow design exceptions and not install guardrails in some locations where it is warranted.

The FHWA consulted with FS Landscape Architects and specialists in the design of guardrails and retaining walls. The FHWA has tried to balance the need to minimize environmental impacts with the need to minimize the visual impacts created by retaining walls and guardrails. The use of retaining walls reduces the need for large cut and fills, which results in less new ground disturbance. The use of guardrails permits steeper sideslopes that helps reduce impacts to previously undisturbed areas. Without the use of retaining walls, substantial fills and the laying back of slopes would be required. Without the use of guardrail, slopes would have to be 1:3 or flatter, which would require larger fill slopes.

Alternative 6 is the result of the FHWA's effort to strike a balance between reducing environmental impacts and minimizing aesthetic impacts and alterations to the road's rustic and rural character. By reducing the roadway width, the size of the design vehicle, and minimum curve radius, the need for retaining walls, particularly at switchbacks, has been eliminated at many locations where they would be required by the other build alternatives. Where retaining walls are still needed, their lengths and heights have been greatly reduced compared to what was proposed for the other alternatives. With the reduction of fill-side retaining walls, guardrail, which is a required feature for fill-side retaining walls, has also been reduced.

During the final design phase of the project, the FHWA will continue to consider ways that the use of retaining walls and guardrail can be reduced while at the same time keeping new physical impacts at a minimum.

34. Don't lay back slopes.

Revegetation of roadway slopes is needed to prevent erosion. Steep slopes are difficult to revegetate, especially at higher altitudes. Laying back slopes makes revegetation easier but causes greater short-term impacts. Alternative 6 reflects a balanced effort to minimize environmental impacts while maximizing successful revegetation. Approximately 63 percent of the road will be rehabilitated, which does not include construction of new slopes, although all existing slopes will be evaluated on a case by case basis to determine whether revegetation efforts, including in some cases laying back slopes, would improve the vegetation cover.

35. Drainage at Guanella Pass Road and Rose Street needs to be addressed.

The Town of Georgetown has conveyed to the FHWA the difficulties that it has been encountering regarding drainage off of Guanella Pass Road. The FHWA has agreed to correct this problem by connecting the Guanella Pass drainage to the town system at 5th Street. This connection will involve the installation of curb and gutter on Rose Street from 2nd to 5th Streets.

36. Encourage appropriate signage of the corridor, not to exceed what is needed for safety and interpretation of the area.

Signs will only be used where needed for safety, or to provide directional or interpretive information.

37. Speed bumps are included as part of the project in order to discourage through traffic, and will detract from the rural, rustic character of the road.

Speed bumps are not included as part of the proposed project.

38. Police speed traps will be used in the area.

Speed enforcement is at the discretion of local law enforcement agencies, including the Sheriff's departments of Clear Creek County and/or Park County. Those agencies may be contacted regarding this concern.

39. Keep the existing parking areas unpaved.

Surfacing materials for the parking areas will be determined during final design. The FS prefers that parking areas be clearly defined with a hardened surface to provide more efficient parking and to reduce soil erosion and transport of sediment into wetlands and streams.

40. Adding more parking will increase the number of people and environmental degradation.

Currently, parking on busy weekends overflows the existing parking lots. People park along the side of the road, impacting habitat adjacent to the road. As part of the proposed project, parking will be formalized. In some areas there will be fewer parking spaces with the elimination of much of the unofficial, dispersed parking that occurs along the road. For example, currently more than 175 vehicles have been observed parking along the road in the summit area, while the new parking areas in this location will hold 110 vehicles. Once the formalized parking lots are full, cars will have to move on to other places, effectively limiting the number of people, and thereby reducing the impact of people on the surrounding habitat.

41. The construction of a new parking lot for sixty vehicles at the top of the pass disturbs untouched tundra

The proposed parking sites will serve to confine vehicles to the designed parking areas and road, avoiding the existing disturbance of the tundra cause by undesignated parking. In addition, these developed parking areas result in less visual intrusion to the view from vehicles passing over the scenic byway.

42. Mitigation of the impact of the new parking spaces on the wilderness relies on enforcement by the FS, which is cash strapped.

The FS has limited funding for enforcement, and therefore it is working in conjunction with the FHWA to identify design measures to prevent parking outside of designated/formalized parking areas so that enforcement needs will be minimized. These measures include earthwork grading, boulder placement, guardrails, signs, and other techniques. In addition, there will be less parking available at the summit than is currently available.

43. A toilet is not needed (at Guanella Pass).

Restrooms are not included in the proposed project.

44. Build many small (1-2 car) parking spots throughout the project, and a 5-7 car parking area at the old Geneva Basin Ski area.

There will be several 1-2 car pullouts constructed throughout the project area. The FS recognizes the need for parking at Geneva Ski Basin and will address this need during restoration of the area after it is used as a staging area and materials source.

45. Create more dispersed parking to allow more access.

The purpose of the project is shaped by the need to balance transportation requirements with the sensitive nature of the environment. Dispersed parking in undesignated areas is the cause of many vegetation and erosion issues today. Designated parking is one step in directing the appropriate locations for dispersed use and eliminating access to sensitive areas so that existing impacts can be restored. The goal of the FS is to accommodate levels of use consistent with current levels of use.

46. Walls, guardrails, and parking restrictions are being used to restrict public access.

Parking will be more formalized to prevent indiscriminate parking and associated overuse of sensitive areas. Guardrail or guardwall may be used to prevent encroachment into these sensitive areas.

47. The proposed project will contribute to the continued degradation of the Mt. Evans Wilderness and adjacent roadless areas from increases in recreation and traffic.

As many as 175 vehicles have been reported parked in and around the Guanella Pass parking areas on busy weekends. The proposed project will formalize the parking areas and provide space for 110 vehicles. This will help to reduce impacts created by recreationalists in the Mt. Evans Wilderness and adjacent roadless areas. The FS has committed to management measures that will also reduce impacts in this area, see the bullets in **ROD Section VI.G.1**.

48. The filling of wetlands and riparian areas, constructing parking lots at the pass, and removing and further fragmenting wildlife habitats are inconsistent with the project purpose, which states that, "The purpose is based on the

need to balance transportation requirements (including recreational access to FS lands) and roadway maintenance requirements with the sensitive nature of the environment."

The FHWA believes that Alternative 6 best fulfills the project's purpose. The project objective quoted above reflects the need to minimize environmental impacts while at the same time ensuring the safety of the traveling public, adequate access to FS lands, and reasonable cost for maintaining the resulting road. It was recognized during the scoping process that none of these concerns could be met with 100 percent satisfaction without sacrificing other project objectives. The safest and most inexpensively maintained road, like Alternative 2, would incur substantial direct and indirect effects to the environment. A road that had virtually no new impacts to the environment would not address the safety concerns, improvement of FS lands access (by facilitating or deterring such access), or high maintenance costs. As a result, the FHWA and its cooperators realized that they had to strike a balance between all of these concerns by ensuring that each were addressed to at least a minimum level of satisfaction.

49. The FHWA is avoiding its legal obligation to discuss direct and indirect impacts under NEPA by saying that there are contingencies beyond its jurisdiction (FEIS pg. III-9).

The FEIS identifies the direct and indirect effects that are known, and also identifies effects that are not known but are reasonably foreseeable. "Reasonably foreseeable" does not include speculative items or actions that may occur in the far distant future. Most project impacts, including the impacts caused by project-induced traffic growth, are indirect impacts. Indirect impacts are discussed throughout the FEIS.

50. The FEIS should address environmental impacts of use under the scenario of relatively unregulated access to the corridor.

Impacts of relatively unregulated access are identified under Alternatives 2-5, which do not include management responsibilities to regulate access. In addition, it is primarily the design of Alternative 6, not the management of the roadway, that will affect access to the corridor. The narrow roadway width, the sharp switchbacks, the 9 percent and higher grades, and the rough ride provided by the gravel and macadam surfaces will all serve to help regulate access to the corridor.

51. Increased recreational use will have environmental impacts on trails, the wilderness areas, campgrounds, and wildlife and their habitat.

The increase in recreational use of the trails, wilderness areas, and campgrounds and their resulting impacts was addressed in **FEIS Section III.B.4: Recreational Resources, FEIS Section III.B.5b: Threatened, Endangered, and Sensitive Species,** and **FEIS Section III.C.12: Cumulative Impacts**.

52. Increased numbers of larger vehicles will result in impacts in terms of noise, emissions, and damage to the road (requiring more maintenance effort).

Impacts for noise and air quality identified in the FEIS include effects from larger vehicles. The increase in the number of larger vehicles is expected to be proportional to the increase in traffic

in general. The road structure will be designed to withstand the climate and anticipated vehicle load.

53. Impacts of increased traffic on noise, emissions, stormwater runoff of fluids left behind on the road and in paved parking lots (e.g. oil, antifreeze), and wildlife and their habitat were largely ignored in the FEIS.

Impacts of the alternatives on noise, emissions, stormwater runoff, and wildlife are addressed in the FEIS under the following sections: Noise, Air Quality, Water Quality, and Plants and Animals. Many studies were performed and reports were prepared which analyzed impacts for these items in depth, and the results of these studies are summarized in the FEIS. Analysis of impacts of the different alternatives includes consideration of increased traffic.

54. Traffic projections for Alternative 4 (85 percent paved) are similar to Alternative 2 (100 percent paved), therefore Alternative 6 (86 percent paved) should have the same impacts on wildlife and other areas affected by traffic.

The projected increases of traffic for Alternatives 2 and 4 are similar because both have similar amounts of paving, and both involve reconstructing the most deficient portions of the road. Increased traffic results from not just paving the surface but also from widening the roadway section. Because Alternative 6 involves a narrower roadway with less reconstruction than Alternatives 2 or 4 (19 percent full and 18 percent light reconstruction [Alternative 6] vs 50 percent [Alternative 4] or 100 percent [Alternative 2] full reconstruction), and because Alternative 6 uses macadam which provides a rougher ride than pavement, the FHWA believes that the projected traffic increases for Alternative 6 will be less than what is projected for Alternatives, 2, 4, and 5.

55. The use of macadam will enable significant adverse impacts to the environment, including increased use of the road, higher speeds, more roadkill, increased recreation access by larger and more diverse vehicle types, and corresponding overuse of the Mt. Evans Wilderness and two adjacent roadless areas.

The road will remain a low-speed, rural road with steep grades and sharp curves. There will be increased traffic and associated effects to the environment as detailed in the FEIS. The macadam surface of Alternative 6 is not expected to change the proportions of passenger cars and larger vehicles.

56. The Naylor Lake Realignment would cause too much environmental damage (including destruction of old-growth forest) and creates two new switchbacks. Reducing the allowable grade creates the need for the Naylor Lake and Duck Lake realignments.

The existing condition consists of a dangerous combination of very steep grades (12 percent) and two very sharp curves, which requires large vehicles (e.g. a pickup truck with trailer) to travel partially in the oncoming lane to negotiate the curves, and does not accommodate the 30 to 50 km/h (20 to 30 mph) design speed. The proposed alignment consists of the design's minimum radius curves and grades up to 9 percent in those curves, which will accommodate the minimum

design speed (30 km/h [20 mph]) for the project. While some timber clearing will be required, no old-growth forests will be impacted.

57. The FHWA has failed to fully and completely analyze the changes in the character of the road by examining the real differences between the six alternatives.

Maintaining the rustic and rural character of the road was a primary concern in the development of Alternative 6. All of the changes made to the design elements (reduction of width, increase in rehabilitation work, reduction in design vehicle) were identified as ways to keep the road smaller in scope and more in keeping with its current character. Much of the analysis of the character of the road is included in **FEIS Section III.3: Visual Quality**. Visual simulations of the different surface types were included, as was a table comparing and contrasting for the six alternatives the various elements contributing to the character of the road (Table III-12).

58. To say that macadam maintains the character of the road better than asphalt or asphalt with chip seal fails to deal with the character of the road changing from a partially paved byway to a paved 2-lane highway.

Although the amount of gravel surfacing will be reduced, the road will remain a partially paved, low-speed rural road with steep grades and sharp curves. Both the macadam surface and the chip seal on the asphalt pavement will use 20 mm (3/4 inch) aggregate in order to approximate the look and feel of a gravel surface. The macadam sections will be rougher than the chip seal sections due to the method of construction.

59. The small town atmosphere of Georgetown will be changed if a connector highway is paved between I-70 and US 285.

The selected alternative is not designed as a connector road between I-70 and US 285 but rather as a rural local road to provide access to recreational resources. Long-term and short-term impacts to Georgetown's small-town atmosphere are addressed in **FEIS Section III.B.1a.**

60. Yellow pavement markings and roadside signs will detract from the character of the area.

Some pavement markings and signs will be required for safety reasons. The locations and lengths of pavement markings for the pavement with chip seal and macadam portions of the road will be determined during the final design phase of the project. Roadside signs will only be used where needed for safety, or to provide directional or interpretive information.

61. Reducing grades to 9 percent or less substantially changes the character of the road, and reducing grades to improve sight distance or for other reasons is not needed for design speeds of 19 to 30 mph.

For Alternative 6 approximately 1.0 km (0.6 miles), or less than 3 percent of the road, will be reduced in grade. Where grade exceeds 9 percent in full reconstruction areas, typically the grade will be reduced to a grade at or below 9 percent. Rehabilitation and light reconstruction areas will generally match the existing grade even if it exceeds 9 percent.

The FHWA determined that the maximum grade of 9 percent was needed due to the large number of sharp, minimum radius curves located throughout the project and the gravel surfacing proposed for portions of the road. The grade on sharp curves should not exceed 4 or 5 percent, although the design does include exceptions to this, such as at the Naylor Lake Realignment. Also, the steep grades can reduce traction during snowy or icy conditions. On gravel sections of roads with grades over 9 percent, the rate of gravel loss and washboarding becomes so great that proper maintenance becomes impractical, as can be seen along the steeper sections of Guanella Pass Road.

62. Research on impacts to other dude ranches does not relate directly to the dude ranch on this project.

The FHWA surveyed other dude ranches within Colorado to gain an understanding of the possible impacts the proposed project and its construction might have on Tumbling River Ranch (TRR), the dude ranch located along Guanella Pass Road, and to determine whether the businesses lost clientele due to road construction activities or changing the surface of the road. The FHWA recognizes that the circumstances associated with these dude ranches may differ from those experienced by TRR, and therefore what these dude ranches experience with respect to the road and/or construction might also differ from what TRR will experience. The feedback received on the surveys was used in conjunction with other site-specific information (interviews with the owners of TRR and Park County Road and Bridge staff, etc.) to develop a conception of what TRR might experience with respect to road construction.

63. Improvements in Georgetown will cause people to go through Georgetown more quickly without stopping, adding to congestion but not improving economics.

Although there will be increased traffic in and through Georgetown, the speeds of vehicles will not increase. Increased visitor traffic raises the potential to capture additional retail sales. See **FEIS Section III.B.1d: Local Economy** for more information.

64. People will no longer visit the area if the road is paved, impacting the economy.

Traffic volumes are predicted to increase at a faster rate after the road construction is completed. See **FEIS Section III.B.1b: Traffic Volumes.** Under Alternative 6 traffic volumes will be greater than under the no action alternative (Alternative 1), but less than the other build alternatives (Alternative 2-5).

65. The road will be too dangerous in the winter.

The more consistent alignment and width along with the placement of guardrail in high hazard sections will make the road safer during all seasons of travel.

66. The proposed project will not improve safety for residents on 2nd Street when they are backing out of their driveways.

There will be increased traffic on 2nd Street regardless of which alternative is selected, including the No Action Alternative. Increased traffic will require that residents use greater caution when backing out of driveways.

67. The road is a historic road.

The term "historic" holds different meanings in different contexts, and needs to be clarified with respect to its correct use in reference to Guanella Pass Road. There is a misconception that because Guanella Pass Road is a State-designated Scenic and Historic Byway, it is also listed or eligible for listing on the National Register of Historic Places (NRHP). This is not the case. The FHWA has evaluated the Guanella Pass Road in accordance with the criteria for which a place may be listed on the NRHP, and has determined that the road is not eligible for listing. The State Historic Preservation Officer (SHPO) concurs with this determination.

68. The FHWA needs to continue negotiations with the SHPO.

The FHWA will continue coordination with the SHPO.

69. Include a discussion of the effects of the 7th Street Bridge on the Georgetown-Silver Plume National Historic Landmark District.

At the request of Georgetown, the certified local government responsible for administering the Georgetown-Silver Plume National Historic Landmark District (GSPNHLD), the FHWA has agreed to construct the 7th Street Bridge to serve as mitigation for construction hauling impacts to the traffic and character of the GSPNHLD. The FHWA surveyed the area of potential effect for the bridge and determined that it would have no effect to cultural resources or to the district. The Memorandum of Agreement (MOA) (see **ROD Appendix D**) between the SHPO, the FHWA, and Georgetown includes a stipulation regarding the construction of the 7th Street Bridge and the commitment that the FHWA will consult with the SHPO and Georgetown to ensure that the bridge will be visually compatible with the historic character of the GSPNHLD.

70. Prepare an MOA that defines a treatment plan for any historic properties that are adversely affected by the project. The FHWA needs to continue cultural resource coordination with interested parties, including the SHPO, the Advisory Council on Historic Preservation, and Native American groups.

The signed MOA defining a treatment plan to mitigate for the adverse effects to the GSPNHLD is included in **ROD Appendix D**. Continued coordination is addressed in the MOA signed by the FHWA, the SHPO, and Georgetown. In their letter dated August 15, 2002, the Advisory Council on Historic Preservation declined to participate in consultation.

71. If the bypass bridge is constructed, consultation with the SHPO will be required.

The temporary construction bypass bridge is not included as part of the proposed project. The bypass bridge was considered in the DEIS, but was eliminated as a viable alternative in the FEIS

because the Town of Georgetown did not wish to pursue this option due to right of way concerns.

72. The *Sedimentation Report* doesn't show a problem with sediment from the road surface.

The report *Sedimentation Problems Identified on the Guanella Pass Road, Aquatic and Soil Resource Recommendations* (Arapaho-Roosevelt National Forest 2001) (referred to below as the *Sedimentation Report*) states, "All 19 kilometers (12 miles) of the currently unpaved segment of the Guanella Pass Road are producing sediment from the road surface… The WEPP [Water Erosion Prediction Project]: Road Model indicates that paving (or applying a hardened surface that does not form rills …) those sections of unpaved road that are adjacent to perennial streams could reduce sediment from entering the stream by 321 pounds per 300 feet of road per year, or 5,650 pounds per mile per year."

73. The FS *Sedimentation Report* is biased and reflects a conflict of interest.

The *Sedimentation Report* was written by the FS hydrologist in order to report professional concerns about erosion and sediment problems with the Guanella Pass road that impact forest resources including water, vegetation, and soil. The hydrologist was trying to ensure that the project meets forest direction to maintain or improve long-term stream health, minimize sediment from roads, and stabilize and maintain roads to control erosion. The hydrologist reviewed and referenced the United States Geological Survey (USGS) water quality reports, which also includes data and discussion of increased sediment from the road. Both the FS and USGS reports provide information that helps to understand the existing sedimentation problems.

74. Sedimentation will increase due to sand used on the road in winter for safety.

The proposed project will result in a net reduction of sediment due to slope stabilization and hardening of the surface. The coarse 20 mm (¾ inch) aggregate used on the surface of the pavement and macadam sections will provide good traction in most circumstances, so the need for sanding is not expected to increase. The small amount of sand that will be used on the hardened surface is minor compared to the sediment runoff from the existing gravel and dirt sections of road.

75. The FS had already decided to use macadam and/or asphalt along most of the road prior to the completion of the *Sedimentation Report*, and used the study to justify a decision that had already been made.

The FS's *Sedimentation Report* was released in October 2001. The identification of macadam as the preferred alternative surface type for portions of the road was a joint decision made in February 2002 between the Counties, the FS, and the FHWA.

76. The *Sedimentation Report* did not present a reasonable set of options in order to cure existing sedimentation problems, such as using crushed rock or placing berms or curbs to prevent sidecasting sediment into streams.

A hardened surface was only one recommendation in the *Sedimentation Report*. Other options included: reconstruction of fill slopes, stabilization of cut slopes, reconstruction of stream

crossings, additional culverts, repair and armoring of inside ditches, reshaping the road surface, and construction of retention areas. Other methods were discussed in interagency meetings, some of which increased impacts along the route (curb, sediment basins), and some required more costly maintenance (crushed rock, vacuum trucks).

77. The proposed project will cause direct loss of wetlands and wildlife habitat immediately adjacent to the road due not only to the actual 22-foot road width but also the installation of guardrails, retaining walls, foreslopes, backslopes, and ditch slopes.

Impacts shown in the FEIS are based on construction limits, which take into account these design elements. FHWA design engineers and environmental staff conducted field reviews with Environmental Protection Agency (EPA) and United States Army Corps of Engineers (USACE) representatives to show what has been done to avoid, minimize, and mitigate impacts. Alternative 6 has the least amount of wetland impact among the build alternatives.

78. There is no 404(b)(1) analysis for wetlands impacts, so it is not possible for the FHWA to say that Alternative 6 is the only "practicable" alternative.

The assessment of impacts to wetlands was performed in accordance with 404(b)(1) guidelines. Four conditions are needed to satisfy the guidelines: 1) there must be no practicable alternative, 2) the action cannot violate State water quality standards or jeopardize a Federally listed species, 3) the action cannot cause or contribute to significant degradation of Waters of the U.S., and 4) appropriate and practicable steps need to be taken to minimize impacts to the aquatic ecosystem. FHWA design engineers and environmental staff conducted field reviews with EPA and USACE representatives to review efforts that have been made to avoid, minimize, and mitigate impacts. Impacts were compared by alternative, and each impact site was examined to determine if a practicable alternative was available at that location. The action will not jeopardize any Federally listed species. It will not violate State water quality standards, and is expected to have a net beneficial effect on water quality. Measures to minimize harm from potential short-term impacts are included in the **ROD Section VI**. The EPA wrote: "The EPA is pleased that the Central Federal Lands Highway Division (CFLHD) has selected Alternative 6 …", and the USACE wrote: "The preferred alternative, identified in the FEIS as Alternative 6, is shown to be the least damaging … As such, it would be the only alternative that could be permitted." (see EPA and USACE letters in **ROD Appendix B**).

79. The project will fill wetlands, but the FEIS says that wetlands will be enhanced. This is inconsistent.

The FEIS states that any build alternative would impact wetlands, and that impacts will be mitigated. Drainage improvements to the roadway are expected to enhance wetland areas by reducing erosion and sedimentation.

80. Use on-site wetland mitigation rather than wetland banking. Wetland mitigation needs to be in the same watershed as the area of disturbance. Replace wetland with the same type of wetland that is impacted. Provide more analysis and disclosure of proposed wetland mitigation plans.

During a field review in coordination with the USACE and EPA, the old Geneva Basin Ski Area parking lot was found to be the most favorable potential site for wetland mitigation. This site will support a montane wetland/riparian complex similar to affected wetlands. Other sites will be considered as well, such as reclamation of wetlands where the road alignment is shifted to avoid two crossings of Duck Creek. The detailed wetland mitigation plan will be prepared during final design. Any wetland mitigation location will be as permitted by the USACE under a 404 permit. Wetland banking is no longer being considered because on-site mitigation appears feasible.

81. Do FHWA policies require mitigation for all wetlands to be impacted, or only for those currently protected by the USACE?

The FHWA has a nationwide goal of 1.5:1 wetland mitigation, and does not discriminate between jurisdictional and isolated wetlands. All wetlands impacted by the proposed project are considered to be jurisdictional wetlands.

82. Use natural materials on accompanying road structures.

During the final design phases of the project, the FHWA will conduct a workshop(s) to evaluate options for retaining walls and guardrail materials. The FHWA will coordinate the selection of the materials for these accompanying roadside structures with the cooperating agencies.

83. Guardrails will make it difficult for pedestrians and bicyclists to share the road.

Additional roadway widening is needed for guardrail to provide not only space for the posts, but also to allow drivers an extra "shy" distance between the edge of the road and the railing (see **FEIS Figure II-16f**). Where guardrails are used, 0.6 m (2 feet) of additional width is available beyond the shoulder, which can be used by bicycles and pedestrians. None of the alternatives specifically includes accommodation for bicycles in the design because designated bicycle lanes require shoulders with a minimum width of 1.8 m (6 feet). These wide shoulders were dropped from consideration due to environmental effects.

84. The FEIS should mitigate for the impacts of dispersed use rather than try to prevent it.

Many of the opportunities to mitigate for impacts caused by dispersed recreational use fall within the jurisdiction of the FS. The FS has committed to measures to help mitigate recreational impacts to wildlife (see **ROD Section VI.G.1**). Features that can be included in the road design tend to be those that control where recreational use occurs, such as location and design of parking lots and barriers to prevent indiscriminate access to sensitive areas.

85. The design of the proposed project will make it harder for the FS to adequately manage and accommodate existing uses.

The design of the proposed project will enhance the FS's ability to manage the area by clearly defining parking and discouraging off-road access. All existing uses will be accommodated. This project will help to control the number of users, which will minimize resource damage and provide a better experience for the visitor.

86. Do not allow all terrain vehicles in the area.

This issue is beyond the scope and purpose and need for this project. All terrain vehicle use would be more appropriately addressed during site specific FS travel management planning, or Forest Plan revisions. All terrain vehicle use is currently restricted to trails designated on FS maps and is illegal in much of the area near the project.

87. The new switchbacks at Naylor Creek will impact lynx habitat. There has been no Section 7 consultation with the United States Fish and Wildlife Service for lynx.

Mapping prepared for the Biological Assessment shows that the switchbacks at Naylor Creek are located within potential lynx foraging and denning habitat. This information was provided to the United States Fish and Wildlife Service (USFWS) during Section 7 consultation, which has been completed (see USFWS letter in **ROD Appendix B**). Formal consultation results are discussed in **ROD Section VIII.D.**

88. Protect willow stands from disturbance as much as possible, and control access from mid-November to mid-April.

Many of the willow stands along the road corridor are delineated as riparian wetlands, and avoidance has been included in the proposed project to the extent practicable. The FS has committed to closing the west-side parking lot at Guanella Pass during the winter, reconstructing the trail on the west side of the Pass to eliminate braided sections in willow habitat, and promoting the use of system trails only.

89. Continue to work with the Colorado Division of Wildlife and the USFWS regarding barriers to wildlife movement. Include wildlife crossing structures where appropriate.

Colorado Division of Wildlife (CDOW), USFWS, and FS personnel will be requested to attend design field reviews. They will help to determine the placement of drift fences that will guide small animals toward crossing locations, and their input will be considered in the design of retaining walls. Stream crossings will be designed to allow passage of fish, amphibians, reptiles, and small mammals where practicable. Several locations along the road have already been identified where crossings can be provided.

90. The FEIS commits to biological surveys of the entrance roads to the parking lots, but not to the lots themselves.

The report *Supplemental Biology Report, Proposed Guanella Pass Parking Lots* (ERO Resources Corporation 2002) was completed in September 2002. Field surveys were conducted for threatened, endangered, and sensitive plant species. Surveys for individual animal species were not needed to determine potential effects because sufficient information was available from previous studies.

91. The ROD should more fully specify mitigation measures and the process by which mitigation will be monitored and modified as necessary (example, drift fences for toads).

More detail has been added in the **ROD Section VI: Measures to Minimize Harm**, where possible. Preliminary locations (Stations 25+000 to 31-500 and Stations 21+000 to 23+000) for drift fences have been identified, but actual placement details will need to be determined during detailed design field reviews. CDOW and FS personnel will be requested to attend detailed design field reviews to help determine the locations of drift fences and other measures to minimize harm to plants and animals.

92. It will take years for disturbed areas to revegetate. Revegetation of tundra is not likely to work, and may take a century or more.

The FHWA has successfully provided revegetation for other high altitude projects, and recognizes that revegetation at high altitude is a difficult task. A consultant firm with high-altitude revegetation specialists has been employed to help prepare the revegetation plan.

Many years are normally required for plant communities to reach a climax condition after revegetation. It is important to provide ground cover rapidly to prevent erosion, so species are used that grow quickly to stabilize the soil. Rapidly growing species are supplemented with slower growing species to give a head start to the natural succession that ends in a climax plant community. Succession stages are not necessarily a worse condition for wildlife than final stages, because they often provide more habitat diversity and support a wider range of species. An advantage to working in tundra is that planting normally starts with the climax community species.

93. The Naylor Lake Realignment cuts through old growth forest and leaves an area that will be next to impossible to revegetate.

The Arapaho-Roosevelt National Forest has mapped vegetation communities in their portion of the project area. Alternatives 2-5 would cause a loss of 0.93 ha (2.3 acre) of old-growth forest. Alternative 6, with much more of the work staying within the existing road prism, will affect no old-growth forest. The Pike-San Isabel National Forest has not completed vegetation community mapping. The FHWA has successfully provided revegetation for projects in similar habitats.

94. The FHWA needs to provide mitigation for having an asphalt plant at Duck Creek, and needs proper controls for using chemicals in an environmentally sensitive area.

The FHWA will comply with all State and Federal laws and regulations for portable asphalt batch plants. Also, a special use permit will be obtained from the FS that will include environmental protection stipulations and mitigation requirements.

95. How will the project affect driveways?

If any driveway is impacted by the proposed construction work, the FHWA will ensure that the property will continue to have safe, unimpeded access to the roadway during and after construction.

96. How will the project affect fences and retaining walls?

If existing fences or retaining walls are impacted by the proposed construction, they will be replaced with in-kind or better materials.

97. The FEIS has not adequately disclosed the environmental impacts of using the proposed materials sources and is therefore in violation of NEPA.

The FEIS includes evaluation of the effects of using materials sources under the categories where the effects occur (e.g., noise impacts, impacts to plants and animals).

98. FHWA policy implementing 23 CFR Part 772.5 requires that noise mitigation must be considered anywhere future noise levels are predicted to exceed existing noise levels by 10 dB(A) or more. The FEIS discussion of noise impacts is legally insufficient as it relies on incorrect assumptions and fails to consider noise impacts of reasonably expected use of the road by noisier vehicles. The Wilderness and roadless areas should be considered under Criteria A rather than B.

23 CFR 772.5 states that traffic noise impacts are "impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria, or when the predicted traffic noise levels substantially exceed the existing noise levels." The statement in the report *Construction Noise Report for the Guanella Pass Road Improvement Project Final Report* (Hankard Environmental 2001, page 16) that says "noise mitigation must be considered anywhere future noise levels are predicted to exceed 10 dB(A)" is incorrect. The following is from *Highway Traffic Noise in the United States - Problem and Response* (FHWA 2000):

> There is no mandated definition for what constitutes a substantial increase over existing noise levels in an area. Most State highway agencies use either a 10 dBA increase or a 15 dBA increase in noise levels to define a "substantial increase" in existing noise levels. Several State highway agencies use a sliding scale to define substantial increase. The sliding scale combines the increase in noise levels with the absolute values of the noise levels, allowing for a greater increase at lower absolute levels before a substantial increase occurs.

The noise analysis predicted increases in noise levels varying from 1 to 3 dB(A) for Alternative 6, which is not substantial.

The computer program (noise model) used to predict noise levels requires input for number of vehicles by three types: autos, medium trucks, and heavy trucks. The design vehicle is included in the medium trucks, which have 2 axles and 6 wheels. There is no separate input for motorcycles, which normally comprise such a small percentage of traffic that they do not affect the analysis.

The noise analysis assumes that the percent of trucks will remain the same in the future; therefore the predicted future noise levels would be understated if the number of trucks using the route increases at a greater rate than traffic in general. Alternative 2 would be most likely to attract additional truck traffic. Doubling the percentage of heavy and medium trucks would result in about a 3 dB(A) increase in the predicted noise level. An increased percentage of trucks might also occur, but to a much lesser extent, under Alternative 3, 4, and 5. Alternative 6 contains design elements that are specifically intended to discourage the use of the route as a connector. The increase in percentage of trucks for Alternative 6 is expected to be in proportion to traffic in general.

The FHWA believes that Noise Abatement Criteria B is appropriate for all sections of this road. However, even the 57 dBA level specified under Criteria A would not be reached because the closest approach of the wilderness boundary to the proposed roadway centerline is about 90 feet, and this occurs at Station 24+280, where the noise level at 98 feet from the roadway centerline is predicted to be about 52 dBA.

99. The disturbance and possible use of mine dump material as road fill creates new problems of non-point source pollution on streams and wetlands. These impacts have not been adequately addressed.

The possible impact resulting from disturbance and use of mine dump material is addressed on **FEIS pg. III-143**. Some mine dump material will be excavated during construction of the selected alternative. The FHWA will employ the onsite management model developed by the Colorado Department of Transportation and the Colorado Department of Public Health and Environment to manage these mine dump materials. Based on this model any mine dump materials excavated will be reused as fill, and slopes exposed by the work that are less than 2:1 will be covered with soil and revegetated. The FHWA has committed to not using mine dump materials near seeps or culverts that could transport sediment or metals into local surface water or groundwater. Given these commitments, the mine dump materials will have no impacts to ground water or Waters of the United States.

100. Sites where mine dump material will be disturbed have not been evaluated as potential Section 4(f) resources.

All historic mine dumps were evaluated as potential Section 4(f) resources in the **FEIS Section III.C.4: Section 4(f) Resources.**

101. The cumulative effects section does not show how the impacts are interrelated, cumulative, and synergistic. Future impacts are largely ignored, including expansion of US 285 from Bailey to Fairplay.

The courts have commented that cumulative impacts are those that are reasonably foreseeable and not speculative or off in the distant future. The cumulative effects discussion in the FEIS includes all future actions that are budgeted or scheduled for an environmental review of some sort.

According to Kim Patel, the project manager of the US 285 project for the Colorado Department of Transportation, projected traffic decreases dramatically west of Bailey, and therefore he does not anticipate any comprehensive full reconstruction of US 285 from Bailey to Grant. (personal communication, May 2002)

102. The FEIS fails to adequately consider the future impacts of development along the Guanella Pass corridor, including selling parcels at Duck Lake and the development of mining claims into private housing.

The selling of parcels at Duck Lake was included in the cumulative effects discussion on **FEIS pg. III-161, III-162, and III-164**. Mining claims do not have surface rights, and although they can build structures required to access and extract mineral rights, they cannot build private housing.

103. The FEIS should discuss the cumulative effects of macadam.

Direct and indirect effects of alternative surface types (including macadam) are discussed throughout the FEIS. These include the effects caused by increased traffic, which partially results from an improved driving surface. More direct effects are discussed in **FEIS Sections III.B.2a, III.B.3, III.B.5, III.C.1, III.C.11b.** Cumulative effects are the combination of these direct and indirect effects when added to the direct and indirect effects of other projects or actions. These are discussed in **FEIS Section II.C.12**.

104. How will private landowners be compensated for their loss of land?

Any required right of way acquisition will be made in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* as amended by the *Uniform Relocation Act Amendments of 1987* (Uniform Act). The property is appraised, just compensation (which is never less than fair market value) is offered to the landowner, and the acquiring agency (Park County, Clear Creek County, and the Town of Georgetown for this project) and the landowner enter into negotiations. The acquiring agency will make every effort to reach an agreement with the landowner. If an agreement cannot be reached, the acquiring agency can acquire the property by exercising its power of eminent domain. The Uniform Act and additional information regarding rights and benefits under the Act can be found at Internet site http://www.fhwa.dot.gov/realestate.

105. Landowners have not agreed to any construction through their property. The FHWA is premature to proceed with the project until this is resolved.

Acquisition of any additional right of way or temporary construction easements needed for the project cannot begin until after completion of the NEPA process. All construction activities will take place within existing or acquired right of way or temporary construction easements.

106. Taking land of a private citizen without due process and the involvement of the court system would be a violation of their civil rights.

Government agencies often need to acquire private property for public programs or projects. This kind of acquisition has long been recognized as a right of the government and is known as "the power of eminent domain." However, the government cannot abuse this power. The Fifth and Fourteenth Amendments of the U.S. Constitution state that private property cannot be taken for public use without "just compensation." Also, see the response to R104, above.

107. The pavement will not last long due to elevation, increasing cost of maintenance.

The FHWA designs pavements to have a 20-year design life regardless of their location. The materials used for paving the road will be designed specifically to withstand the climatic conditions at high elevations. However, macadam and gravel surfaces have design lives of less than 20 years. The sections that have these surfaces may require more maintenance than the asphalt pavement sections.

108. The cost of maintaining the road in the winter will increase.

Because the Counties are likely to continue to maintain the road as they currently do during the winter season, maintenance costs are not anticipated to increase. The coarse 20 mm (¾ inch) aggregate used on the chip seal surface of the pavement and in the macadam sections will provide good traction in most circumstances, so the need for sanding is not expected to increase.

109. Close the road in winter and use the money saved on winter maintenance for general maintenance.

Clear Creek County is opposed to closing the road, and the FS is opposed to a "closure by no-maintenance" due to problems associated with illegal off-road use and rescue efforts. The Counties have concluded that the road will be closed when weather requires and opened when weather permits. This will result in savings over a full-time maintenance effort, and the monies saved could be used for general maintenance. See **FEIS Section II.E.3: Winter Closure** for a more complete discussion.

110. Pg III-158 states, "Less traffic means less maintenance." However, the FEIS also states that the project will increase traffic. The statements are inconsistent.

The sentence quoted above was in a discussion of the impacts of winter closure. If the road were to be closed in the winter (which is not included as part of the proposed project), annual traffic volumes would be less than if the road were not closed.

111. No mitigation has been provided for impacts to Tumbling River Ranch.

Working in cooperation with Park County, the FHWA has agreed to a number of measures designed to minimize construction impacts to local businesses including Tumbling River Ranch. These measures, including seasonal and time of day construction restrictions, are included in **ROD Section VI: Measures to Minimize Harm**.

112. Commitments to Tumbling River Ranch have not been kept.

The FHWA failed to notify Tumbling River Ranch, in accordance with an agreement, prior to allowing a survey helicopter to make a second flight over the area. Steps were taken immediately to ensure that this would not happen again. Measures to minimize harm identified in the ROD include regular communication with property owners.

113. Continue working with Clear Creek County during final design.

The FHWA will continue working with the FS, Counties, and Georgetown throughout the final design process.

114. The CDOW's March 23, 2002 letter was not included in the FEIS.

The CDOW letter was not included in the FEIS because it was commenting on a draft version of the FEIS that was not released to the public. The issues brought up in that letter were addressed within the published FEIS and this ROD. The CDOW's letter of October 3, 2002, along with its attached letter of March 23, 2002, is included in the **ROD Appendix B**.

115. Figure III-4 of the FEIS contains inaccuracies in boundary locations and property sizes.

Information regarding FEIS Figure III-4 has been added under **ROD Section VIII: Clarifications on the FEIS.**